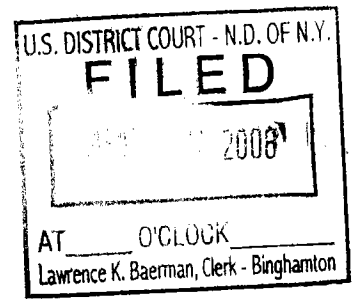


UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK



**MILLENNIUM PIPELINE COMPANY, L.L.C.,**

*Plaintiff,*

-VS-

**CERTAIN PERMANENT AND TEMPORARY  
EASEMENTS IN 48 HARRINGTON ROAD, S.B.L.  
No. 108.04-1-5.1, TOWN OF MAINE, COUNTY OF  
BROOME, NEW YORK AND 3001 BRADLEY  
CREEK ROAD, S.B.L. No. 108.04-1-2, TOWN OF  
UNION, COUNTY OF BROOME, NEW YORK,  
Peter F. Supa, et. al., and Unknown Owners,**

*Defendants.*

**ORDER GRANTING  
PRELIMINARY INJUNCTION  
FOR IMMEDIATE ENTRY**

Civil Action No.  
**3:08-CV-00228**

Hon. Thomas J. McAvoy

Upon review of Plaintiff's Order To Show Cause, dated March 13, 2008, which relied upon and were supported by the following papers filed in support of the same: Memorandum of Law in Support of Motion for a Taking of Easements and for a Preliminary Injunction Granting Immediate Entry, dated March 12, 2008, Affidavit of Jerry Humphrey, sworn to March 12, 2008, and Declaration of Karla M. Corpus, dated March 12, 2008; Defendants Peter F. and Alice L. Supa having filed papers in opposition thereto in the form of a response Memorandum of Law in Opposition to said Order to Show Cause, dated March 27, 2008, the Affirmation of Joshua A. Sabo, dated March 27, 2008, and the Affidavit of Peter F. Supa, sworn to March 27, 2008; and Plaintiff having filed the Reply Declaration of Karla M. Corpus, dated April 2, 2008, the Reply Affidavit of Jerry Humphrey, sworn to April 1, 2008, and a Reply Memorandum of Law in Further Support of Motion for a Taking of Easements and for a Preliminary Injunction Granting Immediate Entry, dated April 2 2008; and

The Court having considered all of the filed papers and having held oral argument on the same on April 14, 2008, at which Hiscock & Barclay, LLP (Darryl J. Colosi and Karla M. Corpus, Esquires, of Counsel) appeared on behalf of Plaintiff Millennium Pipeline Company, L.L.C.; Joshua A. Sabo, Esquire appeared on behalf of Defendants Peter F. and Alice L. Supa; and the Court being fully advised in the premises and having issued a decision on the record on April 14, 2008, it is hereby:

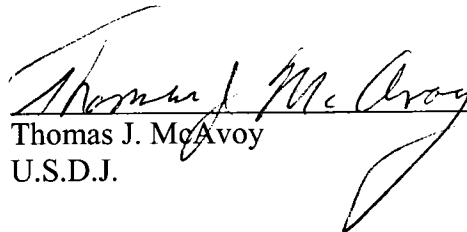
**ORDERED** that, Plaintiff will suffer irreparable harm and has demonstrated all other factors pursuant to the Federal Rules of Civil Procedure Rule 65 for a preliminary injunction, and, therefore, its motion for immediate, continued and uninterrupted access to the easements in the real property owned by Defendants Peter F. and Alice L. Supa, at 48 Harrington Road, S.B.L. No. 108.04-1-5.1, Town of Maine, County of Broome, New York and 3001 Bradley Creek Road, S.B.L. No. 108.04-1-2, Town of Union, County of Broome, New York, depicted on Exhibit 2 to the Amended Complaint (collectively the "Property") for the purposes identified in the Amended Complaint, which include but are not limited to the construction, operation and maintenance of a pipeline and restoration of the Property, is hereby granted in all respects, with the express reservation that the amount of just compensation to which Defendants may be entitled for the easements finally granted will be determined at the trial of this action pursuant to Rule 71.1 of the Federal Rules of Civil Procedure ("FRCP"), in the event the parties are unable to agree on such amount; and it is further

**ORDERED** that Defendants, or any of their affiliates or subsidiaries, and those acting in concert and participation with them, be, and hereby are, enjoined from preventing or otherwise interfering with Plaintiff, or any of its officers, employees, agents or contractors, from entering upon the land designated for easements at the Property for the purposes of accessing,

constructing, testing and operating a natural gas pipeline on land adjacent to the Property; making improvements to the Property as required by Plaintiff in connection with such pipeline construction, testing and operation; and in order to restore the Property following pipeline construction, testing and operation in the event Defendants want the Property to be restored; and it is further

**ORDERED** that Plaintiff's right to enter upon the easements at the Property as provided for herein is conditioned on Plaintiff filing a surety bond or equivalent security with the Clerk of this Court in the amount of \$26,000, pursuant to FRCP 65(c), to secure Plaintiff's obligation to provide Defendants with just compensation for the easements being granted by this Order in such amount as will be determined at trial.

**DATED:** Albany, New York  
April 30, 2008

  
Thomas J. McAvoy  
U.S.D.J.